

REMARKS**Status of Claims**

The Office Action mailed November 12, 2008, has been reviewed and the comments therein were carefully considered. Claims 1-12, and 18-21 are pending in the application, and are currently rejected. Claims 1 and 7 are amended. New Claims 22 and 23 have been added.

Priority Claim

Applicant has amended the specification paragraph 1 to remove the claim for priority to Application Ser. No. 60/273,102. Applicant excludes this claim of priority for the present Application.

Claim Rejection Under 35 U.S.C. § 101

Claims 1, 2, 4-6, 18 and 20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Applicant has amended Claim 1 to recite the method is performed by a processor. Support for this subject matter may be found in the specification, *inter alia*, in paragraphs 30 and 31.

Claim Rejection Under 35 U.S.C. § 103

Claims 1, 4, 5, 7, 10, 11, 18 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Wang et al. (US Patent Application Publication 2003/0028871), in view of Knee et al (US Patent Application Publication 2002/0095676), and further in view of Klarfeld et al. (US Patent Application Publication 2003/0067554). Applicant traverses this rejection.

Applicant has amended Claims 1 and 7 to include the feature of determining a plurality of demographic profiles, wherein each demographic profile corresponds to a different user. Support for this subject matter may be found in the specification, *inter alia*, in paragraphs 18 and 19.

None of the cited references, either alone or combined, teach or suggest this feature. McClard only discloses that each user must explicitly identify themselves, see Col. 5 lines 19-25. Klarfeld does not disclose using behavior peeks to determine multiple demographics, see paragraph 230. Klarfeld discloses determining usage patterns only grouping user actions together if the user actions occur contiguously. See paragraph 231. Accordingly, Applicant asserts that Claims 1 and 7, and all claims that depend upon them, are allowable.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) further in view of Klarfeld et al. (US Patent Application Publication 2003/0067554) as applied to claims 1 and 7 above, and further in view of Schaffer et al. (US Patent Application Publication 2002/0104087), herein Schaffer. Applicant traverses this rejection.

The Examiner states that Schaffer discloses verifying profile updates with a viewer in that “The feedback request command queries the user about a program being watched, [0048].” Applicant asserts that Schaffer at [0048] discloses that a user may rate a **program being watched**, and verify a program recommendation score. This is different from a viewer verifying the adding of a category, as recited in Claim 6 and 12. Accordingly, Applicant asserts that Claims 6 and 12 are allowable separate from their dependence on allowable parent claims.

Applicant has added new Claims 22 and 23 that include subject matter disclosed but not claimed. Support for this subject matter may be found in the specification, inter alia, in paragraph 18. Applicant asserts these claims are allowable.

Conclusion

All rejections having been addressed, Applicant respectfully requests entry of the present amendment and notification of allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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